

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**SUMMIT 6 LLC,**

**Plaintiff,**

V.

HTC CORPORATION,  
HTC AMERICA, INC.,  
LG ELECTRONICS, INC.,  
LG ELECTRONICS U.S.A., INC.,  
LG ELECTRONICS MOBILECOMM  
U.S.A., INC.,  
MOTOROLA MOBILITY LLC, and  
TWITTER INC.,

## Defendants.

**SUMMIT 6 LLC,**

**Plaintiff,**

V.

## APPLE INC.

## Defendant.

**CIVIL ACTION NO. 7:14-cv-00014**

## **JURY TRIAL DEMANDED**

**CIVIL ACTION NO. 7:14-cv-00106**

## JURY TRIAL DEMANDED

**JOINT MOTION TO STAY AND EXCUSE**

Plaintiff Summit 6 LLC (“Summit 6”) and Defendants LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics MobileComm U.S.A., Inc. (collectively “LG”) jointly request that the Court order that all deadlines in this case related to Summit 6 and LG be stayed forty (40) days and that LG be excused from participating in the Markman hearing scheduled on March 4, 2015.

Summit 6 and LG have reached an agreement settling their claims against each other in this case and signed a binding Memorandum of Understanding. The form of dismissal has been agreed upon but, under the terms of the settlement, certain contractual performances must occur before the parties can file a joint motion to dismiss. Summit 6 and LG estimate that dismissal papers will be filed on or before April 1, 2015, assuming all performances required under the settlement agreement occur. In the unlikely event that the proceedings between Summit 6 and LG must be reinstated, LG hereby waives any right to contest this Court's Markman ruling solely based on the fact that LG did not participate at the Markman Hearing. However, LG would retain all other rights to contest the Markman ruling.

Accordingly, Summit 6 and LG request that the Court stay all deadlines as between Summit 6 and LG until April 1, 2015 and that LG be excused from participating in the Markman hearing scheduled on March 4, 2015. This will allow Summit 6 and LG to proceed with dismissal and avoid unnecessary costs and expenses.

Dated: February 20, 2015

Respectfully submitted,

**MCKOOL SMITH, P.C.**

By: /s/ Douglas A. Cawley

Douglas A. Cawley

Lead Attorney

Texas State Bar No. 04035500

dcawley@mckoolsmith.com

Theodore Stevenson III

Texas State Bar No. 19196650

tstevenson@mckoolsmith.com

Phillip M. Aurentz

Texas State Bar No. 24059404

paurentz@mckoolsmith.com

Ashley N. Moore

Texas State Bar No. 24074748

amoore@mckoolsmith.com

Mitchell R. Sibley

Texas State Bar No. 24073097

msibley@mckoolsmith.com

Richard A. Kamprath

Texas State Bar No. 24078767

rkamprath@mckoolsmith.com

Cory McAnelly

Iowa State Bar No. 28601

cmcanelly@mckoolsmith.com

Collen Bloss

Texas State Bar No. 24082160

cbloss@mckoolsmith.com

McKool Smith, P.C.

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Telecopier: (214) 978-4044

Bradley W. Caldwell

Texas State Bar No. 24040630

bcaldwell@caldwellcc.com

Caldwell Cassady & Curry

2101 Cedar Springs Road, Suite 1000

Dallas, Texas 75201

Telephone: (214) 888-4848

Telecopier: (214) 888-4849

**ATTORNEYS FOR PLAINTIFF  
SUMMIT 6 LLC**

By: s/ Robert M. Isackson

Deborah L. Sterling  
Texas Bar No. 19170950  
QUILLING SELANDER LOWNDS  
WINSLETT & MOSER, P.C.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
Telephone: 214-871-2111  
Facsimile: 214-871-2111  
*dsterling@qslwm.com*

Steven J. Routh (*pro hac vice*)  
ORRICK HERRINGTON & SUTCLIFFE LLP  
Columbia Center  
1152 15th Street, N.W.  
Washington, D.C. 20005-1706  
Tel.: (202) 339-8400  
Fax: (202) 339-8500

Robert M. Isackson (*pro hac vice*)  
ORRICK HERRINGTON & SUTCLIFFE LLP  
666 Fifth Avenue  
New York, NY 10103-0001  
Tel.: (212) 506-5000  
Fax: (212) 506-5151

Stacey E. Stillman (*pro hac vice*)  
ORRICK HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
Menlo Park, CA 94025-1015  
Tel: (650) 614-7400  
Fax: (650) 614-7401

Hsiwen Lo (*pro hac vice*)  
ORRICK HERRINGTON & SUTCLIFFE LLP  
2050 Main Street  
Suite 1100  
Irvine, CA 92614-8255  
Tel: (949) 567-6700  
Fax: (949) 567-6710

***Attorneys for Defendants LG ELECTRONICS, INC., LGE ELECTRONICS U.S.A., INC., AND LG ELECTRONICS MOBILECOMM U.S.A., INC.***

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically through the Court's ECF system. As such, this document was served on all counsel who have consented to electronic service on this, the 20th day of February, 2015.

s/ Phillip M. Aurentz  
Phillip M. Aurentz